

REMARKS:

Status Of Claims

Claims 1-65 were previously pending. Claim 55 has been amended. Thus, claims 1-65 are currently pending in the application with claims 1, 10, 15, 23, 31, and 37 being independent.

Office Action

In the Office Action, the Examiner objected to claim 55. Claim 55 has been amended to correct a typographical error.

The Examiner rejected claims 1-4, 6-20, 22, 24-33, 35-47, 49, and 51-65 under 35 U.S.C. § 102(e) as being anticipated by Lee et al., U.S. Patent No. 6,837,827.

However, as discussed in the attached Declarations under 37 CFR 1.131, supported by the attached exhibits, the present invention was conceived prior to Lee's June 17, 2003 filing date and through diligent efforts reduced to practice by August 4, 2003. Specifically, by August 4, 2003, product was shipped to Target, a retailer. Thus, the present invention was reduced to practice by August 4, 2003. As a result, Lee is unavailable as prior art under 35 U.S.C. § 102(e) and this rejection cannot be sustained.

The Examiner also rejected claims 21 and 48 under 35 U.S.C. 103(a) as being unpatentable over Lee. The Examiner also rejected claims 23, 34, and 50 under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Stubbs.

However, in addition to not being available as prior art under 35 U.S.C. § 102(e), Lee is not available as prior art under 35 U.S.C. §103(a). *See* 35 U.S.C. §103(c). Both the invention(s) described in Lee and the present invention were, at the time the present invention was made, owned by or subject to an obligation to assign to Garmin LTD. As a result, this rejection cannot be sustained. *See* MPEP § 706.02(I)(2).

The Examiner also rejected claims 1-9 under 35 U.S.C. § 102(e) as being anticipated by Stubbs et al., U.S. Patent No. 6,736,759. Applicant respectfully submits that the currently pending claims distinguish the present invention from Stubbs, and the other prior art references of record, taken alone or in combination with each other.

Specifically, claim 1 recites “a location determining component operable to determine a geographic location of the device”; “an elongated housing which encloses the location determining component”; and “a strap operable to removably attach the housing to a user's forearm”.

As shown in figures 2 and 5, Stubbs’ “electronic positioning device 5 comprises a GPS device which includes a GPS antenna 80, and a GPS module 30”. Column 7, lines 57-59. *See also* column 9, lines 5-8. As shown in figures 4-6, Stubbs’ “data acquisition component 20 includes [his] electronic positioning device” 5. Column 9, lines 4-5. As shown in figures 3, 4, and 6, Stubbs’ “data acquisition component 20 includes a support member 15 which [is] sized and configured to be worn about the user’s waist”. Column 17, lines 36-38. Therefore, Stubbs explicitly teaches his positioning device being attached to a user’s waist. The only thing Stubbs teaches being worn about the user’s wrist is the

display unit 7, which does not include a location determining component within its housing. Thus, Stubbs teaches away from a location determining component being attached to a user's forearm, as claimed. As a result, the Examiner has failed to establish a *prima facie* case of anticipation, and the present rejections cannot be sustained.

The remaining claims all depend directly or indirectly from independent claims 1, 10, 15, 23, 31, or 37, and are therefore also allowable.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 501-791. In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

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